

NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS COALITION

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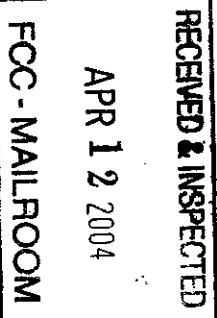
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April 8, 2004

Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street, S.W.

Washington, D.C. 20554

Re: **RM-10865/DA No. 04-700**

Comments on the CALEA Petition for Rulemaking

Dear Secretary Dortch:

I am writing on behalf of the forty state narcotic officers' associations and more than 60,000 law enforcement officers that they represent to urge the FCC to promptly act promptly on the U.S. Department of Justice's ("DOJ"), Federal Bureau of Investigation's ("FBI"), and U.S. Drug Enforcement Administration's ("DEA") Joint Petition ("Petition") filed on March 10, 2004, before the Federal Communications Commission ("FCC") requesting that the FCC resolve various critically important issues arising from the implementation of the Communications Assistance for Law Enforcement Act ("CALEA").

As you know, America's law enforcement officers provide this nation's first line of defense against acts of terrorism. We also work to prevent the violent acts committed by gang members, organized crime, and sexual predators. As narcotics officers we are also working to stem the flow of illegal drugs into America. An epidemic that kills more than 20,000 persons each year and costs our society more than \$160 billion annually. But we cannot protect Americans if we do not have the swift support of our government institutions such as the FCC to allow us to have the technology and procedures to target these sophisticated criminal organizations.

It is vitally important, and consistent with Congress's intent in enacting CALEA, that the FCC initiate a rulemaking proceeding and adopt the rules

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Marlene H. Dortch, Secretary

April 8, 2004

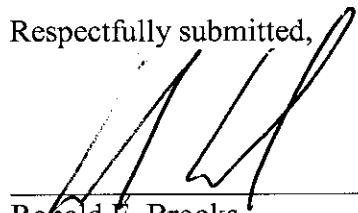
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proposed by the DOJ, FBI, and DEA in the above Petition. Congress enacted CALEA in 1994 to insure that law enforcement has the ability to conduct authorized wiretaps in the future as technologies changed. Since 1994, many new communications technologies have arisen, including broadband Internet access, voice over IP telephony ("VoIP"), push-to-talk digital dispatch services, and other packet mode services. These services, currently used by millions of American citizens, pose a great challenge to state and local law enforcement in that many such providers of these communications services have failed to voluntarily adopt currently available CALEA intercept solutions. Thus, law enforcement has been thwarted in its attempts to implement a lawfully authorized surveillance intercepts. Voluntary industry compliance with CALEA does not work.

Furthermore, state and local law enforcement do not have the financial or personnel resources to develop costly *ad hoc* surveillance solutions for each new communications service. Nor should they have to under the current law. For all equipment, services, and facilities deployed after January 1, 1995, Congress, through CALEA, expressly passed the burden of designing and paying for such surveillance solutions onto the telecommunications carriers themselves.

Given the importance of the issues discussed above, it is important that the FCC promptly act upon the Petition and commence a rulemaking proceeding adopting the DOJ's, DEA's and FBI's proposed rules. Should you require more information you may correspond directly with me at PO Box 36102, San Francisco, CA 94102, telephone me at (415) 436-8199 or email me at rbrooks@nca.hidta.net. I appreciate your attention to this matter and stand ready to work with you on this and other matters of mutual concern.

Respectfully submitted,



Ronald E. Brooks
President